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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,463	02/14/2005	Wilhelmus Christianus Maria Lohbeck	TS6300US	6338

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Del S Christensen  
Shell Oil Company  
Intellectual Property  
P O Box 2463  
Houston, TX 77252-2463

EXAMINER

HOOK, JAMES F

ART UNIT PAPER NUMBER

3754

DATE MAILED: 12/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/524,463

Applicant(s)

LOHBECK, WILHELMUS  
CHRISTIANUS MARIA

Examiner

James F. Hook

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/14/05; 6/13/05</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8, 10, 14, and 15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Castano-Mears (EP 1,152,120).

Claims 1-6, 8, 10, 14, and 15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Metcalfe (WO 01/20125).

Claims 1-9, 11, and 13-18 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lohbeck (WO 99/56000).

Claims 1, 2, 4, 6, 7, 9, 11, 14, 15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Endoh (063). The patent to Endoh discloses the recited expandable tubular element having a wall 1 including at least a portion formed of a plurality of stacked wall layers 11,1 each wall having a bent configuration in a cross sectional plane prior to radial expansion of the tubular element and being arranged to deform from a bent configuration to a more stretched configuration upon radial expansion of the tubular element, wherein the tubular element includes at least one cavity shown near 12 containing a body of fluid in the form of a bonding agent which is suitable to bond the adjacent wall layers to each other or to another tubular element, where the two walls can be seen to have different curvatures prior to radial expansion,

Art Unit: 3754

the stacked layer wall exists over the entire circumference when fully expanded, the tubular element is one of a pair of tubes, where one tube is within the other, the tubular wall can be the wall of a tubular element 20 or borehole within the earth.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lohbeck (WO 99/56000) in view of Gilleland (532). The patent to Lohbeck discloses all of the recited structure with the exception of providing the cavities with two bonding agents that react together. The patent to Gilleland discloses that it is old and well known in the art to provide repair sleeves with a plurality of cavities which break upon deployment of the sleeve causing either a single adhesive material, or in another embodiment, an adhesive and reacting agent are provided in separate cavities and upon breaking of the cavities the materials mix to form the adhesive to adhere the sleeve together. It would have been obvious to one skilled in the art to modify the single adhesive provided in the cavities of Lohbeck by providing an adhesive and reacting agent in separate cavities so that upon breaking of the two cavities the materials can mix together to form the adhesive as suggested by Gilleland where such is an equivalent manner to provide adhesive to rupturing cavities for installation of repair

Art Unit: 3754

sleeves and such would allow for stronger adhesives to be provided such as epoxies to extend the life of the sleeve and it's attachment to the pipe it is to repair.

### ***Conclusion***

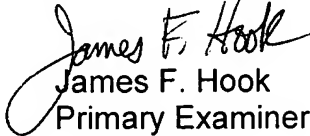
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Penza (163, and 730), Barnes, Wilkins, Wood, Williams, Putter, Gilleland (215), Stephens, Schwert, and Madhani disclosing state of the art repair sleeves some with cavities formed therein.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3754

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
James F. Hook  
Primary Examiner  
Art Unit 3754

JFH